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**Datasheet for the decision
of 8 December 2020**

Case Number: T 1686/20 - 3.4.03

Application Number: 06773179.4

Publication Number: 1894232

IPC: H01L21/336, H01L21/00,
H01L27/01, H01L29/76

Language of the proceedings: EN

Title of invention:

SHORT CHANNEL SEMICONDUCTOR DEVICE FABRICATION

Applicant:

Texas Instruments Incorporated

Headword:

Relevant legal provisions:

EPC Art. 108
EPC R. 99(2), 101(1)

Keyword:

Admissibility of appeal - missing statement of grounds

Decisions cited:

T 1042/07

Catchword:



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Chambres de recours

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Case Number: T 1686/20 - 3.4.03

D E C I S I O N
of Technical Board of Appeal 3.4.03
of 8 December 2020

Appellant: Texas Instruments Incorporated
(Applicant) P.O. Box 655474
Mail Station 3999
Dallas, TX 75265 (US)

Representative: Zeller, Andreas
Texas Instruments Deutschland GmbH
Haggertystraße 1
85356 Freising (DE)

Decision under appeal: **Decision of the Examining Division of the
European Patent Office posted on 4 March 2020
refusing European patent application No.
06773179.4 pursuant to Article 97(2) EPC.**

Composition of the Board:

Chairman G. Eliasson
Members: M. Stenger
C. Heath

Summary of Facts and Submissions

- I. The appeal is directed against the refusal of European patent application No. 06773179.4 posted on 4 March 2020.
- II. The appellant filed a notice of appeal on 14 May 2020 and paid the appeal fee on the same day. While the notice of appeal contained a request for oral proceedings, no separate statement of grounds of appeal was filed.
- III. By a communication dated 18 August 2020, sent by registered letter with advice of delivery, the appellant was informed that no statement of grounds of appeal had been filed and that it was therefore to be expected that the appeal would be rejected as inadmissible pursuant to Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC. The appellant was invited to file observations within two months.
- IV. No reply was received. No request for re-establishment of rights was filed.

Reasons for the Decision

1. As no written statement setting out the grounds of appeal has been filed and as the notice of appeal does not contain anything that could be regarded as a statement of grounds of appeal according to Article 108, third sentence, and Rule 99(2) EPC, the appeal has to be rejected as inadmissible (Article 108, third sentence, EPC in conjunction with Rule 101(1) EPC).

2. In accordance with case law, namely decision **T 1042/07** of 22 August 2008, the request for oral proceedings is deemed withdrawn or superseded by the subsequent failure to react to the Board's communication, see point 3 of the Reasons:

"In the specific circumstances of the present case, where the appellant has not provided any statement as to the substantive merits of its appeal, has not given any explanation or comment as to why no statement of grounds had been filed, and has not reacted in substance to the Board's notification of an impending rejection of the appeal as inadmissible, the Board considers the initial auxiliary request for oral proceedings to have become obsolete as a consequence of the subsequent course of action taken. In other words, the lack of any substantive response to the notification of the inadmissibility of the appeal is considered as equivalent to an abandonment of the request for oral proceedings."

The Board shares this opinion and could consequently decide the case without oral proceedings.

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:



S. Sánchez Chiquero

G. Eliasson

Decision electronically authenticated